

ESTTA Tracking number: **ESTTA490352**

Filing date: **08/22/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Jorge Guzman Rodriguez
Granted to Date of previous extension	08/22/2012
Address	Cerrada Del Moral #27 Casa 23 Mexico City, 03720 MEXICO
Party who filed Extension of time to oppose	JorgeGuzmanRodriguez
Relationship to party who filed Extension of time to oppose	The Extension of Time to Oppose form would not allow spaces to accommodate for Opposer's three names. Opposer has entered spaces in his name in this Notice of Opposition form.

Attorney information	Peter Sloane Leason Ellis LLP One Barker Ave, Fifth Floor White Plains, NY 10601 UNITED STATES tmdocket@leasonellis.com, sloane@leasonellis.com, dorman@leasonellis.com Phone:914.821.9073
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### Applicant Information

Application No	85473060	Publication date	04/24/2012
Opposition Filing Date	08/22/2012	Opposition Period Ends	08/22/2012
Applicant	CervecerÃ-a Centro Americana, S.A. 3a. Avenida Norte Final Finca El Zapote Zona 2 Guatemala City, 01002 GUATEMALA		

### Goods/Services Affected by Opposition

Class 032. All goods and services in the class are opposed, namely: Beer
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3787979	Application Date	06/19/2008
Registration Date	05/11/2010	Foreign Priority Date	NONE
Word Mark	EL HIJO DEL SANTO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2002/07/25 First Use In Commerce: 2002/07/25 Entertainment in the nature of wrestling contests; Entertainment services in the nature of a wrestling club; Entertainment services, namely, wrestling exhibits and performances by a professional wrestler and entertainer		

U.S. Registration No.	3925991	Application Date	06/19/2008
Registration Date	03/01/2011	Foreign Priority Date	NONE
Word Mark	SANTO EL ENMASCARADO DE PLATA		
Design Mark			
Description of Mark	The mark consists of a wrestler's mask above the literal element "SANTO EL ENMASCARADO DE PLATA".		
Goods/Services	Class 041. First use: First Use: 2010/08/25 First Use In Commerce: 2010/08/25 Entertainment in the nature of wrestling contests; Entertainment services in the nature of a wrestling club; Entertainment services, namely, wrestling exhibits and performances by a professional wrestler and entertainer		

Attachments	77503433#TMSN.jpeg ( 1 page )( bytes ) 77503009#TMSN.jpeg ( 1 page )( bytes ) Opposition.pdf ( 5 pages )(177466 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/michelle dorman/
Name	Michelle Dorman
Date	08/22/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85/473,060  
Published in the Official Gazette on April 24, 2012

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JORGE GUZMAN RODRIGUEZ,

Opposer,

Opposition No.

v.

CERVECERÍA CENTRO AMERICANA, S.A.,

Applicant.  
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**NOTICE OF OPPOSITION**

Opposer, Jorge Guzman Rodriguez, a citizen of Mexico, having an address of Casa 23, Cerrada Del Moral # 27, Mexico City, 03720, Mexico, believes that he would be damaged by the issuance of a registration for the trademark EL SANTO as applied for in Application Serial No. 85/473,060, filed on an intent-to-use basis on November 15, 2011, for "beer" in Class 32, and therefore opposes the same. As grounds for his opposition, Opposer, by his attorneys Leason Ellis LLP, alleges as follows:

1. Opposer, also known by his trademark, El Hijo del Santo (The Son of the Saint), is a well-known Mexican professional wrestler and a successful star in Lucha Libre, the Mexican professional wrestling association. He is the son of the late Rodolfo Guzman Huerta, known as El Santo, a famous Mexican wrestler, sports and pop culture icon.

2. Opposer adopted the name El Hijo del Santo to follow in his father's wrestling persona and has been a public figure for over twenty years. Opposer has been using the professional name and mark EL HIJO DEL SANTO since the 1980s. In addition to wrestling, Opposer has appeared in movies, a cartoon series, and was the subject of a comic book. More

recently, Opposer has been involved in an environmental organization involving water systems shared by the U.S. and Mexico.

3. In addition to appearances and wrestling events in Mexico, Opposer has participated in wrestling events and extended his fame and notoriety in the U.S. and Canada. As a result of Opposer's widespread use, the name and trademark EL HIJO DEL SANTO has attracted a significant amount of recognition and goodwill among wrestling fans and others in the U.S. and abroad.

4. Opposer owns U.S. Registration No. 3,787,979 of the mark EL HIJO DEL SANTO for "entertainment in the nature of wrestling contests; entertainment services in the nature of a wrestling club; entertainment services, namely, wrestling exhibits and performances by a professional wrestler and entertainer" in Class 41. Opposer's registration issued on May 11, 2010, with a filing date of June 19, 2008. The registration claims use of the mark in commerce since at least as early as July 25, 2002. The date of Opposer's registration, the filing date of the underlying application, and the date of first use in commerce are all well prior to the filing date of Applicant's intent-to-use application.

5. Opposer also owns U.S. Registration No. 3,925,991 of the mark SANTO EL ENMASCARDO DE PLATA and Design for "entertainment services in the nature of wrestling contests; entertainment services in the nature of a wrestling club; entertainment services, namely, wrestling exhibits and performances by a professional wrestler and entertainer" in Class 41. The English translation of the Spanish wording in the mark is MASKED SILVER SAINT. Opposer's registration issued on March 1, 2011, with a filing date of June 19, 2008. The registration claims use of the mark in commerce since at least as early as August 25, 2010. The date of Opposer's registration, the filing date of the underlying application, and the date of

first use in commerce are all well prior to the filing date of Applicant's intent-to-use application.

6. On November 15, 2011, Applicant, Cervecería Centro Americana, S.A., filed the application at issue to register the mark EL SANTO for "beer" in Class 32 on an intent-to-use basis.

7. The mark that Applicant seeks to register is wholly incorporated within Opposer's prior mark EL HIJO DEL SANTO and is identical to Opposer's father's well-known public persona. It is also confusingly similar with Opposer's earlier mark SANTO EL ENMASCARDO DE PLATA. Applicant is seeking to register the mark EL SANTO for goods that are related to the services covered by Opposer's marks in that such goods are usually sold at entertainment events in which Opposer participates. Based upon the similarities of the marks and the goods and services, the public is likely to associate the goods offered by Applicant under the mark EL SANTO with Opposer, or to believe that Applicant's goods are sponsored, endorsed or licensed by Opposer, or that there is some relationship between Applicant and Opposer.

8. For the above reasons, any use or registration of the mark EL SANTO by Applicant is likely to cause confusion, cause mistake or deceive the public, and cause the public to believe that those goods emanate from or are otherwise sponsored by or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

By reason of the foregoing, Opposer will be damaged by the registration of the mark EL SANTO to Applicant.

**WHEREFORE**, it is respectfully requested that this opposition be sustained and that the registration sought by application Serial No. 85/473,060 be denied.

The opposition fee in the amount of \$300.00 for one class is filed herewith. If for any reason this amount is insufficient, it is requested that Opposer's attorneys' deposit account No. 50-4570 be charged with any deficiency.

Dated: August 22, 2012

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter S. Sloane", written over a horizontal line.

Peter S. Sloane  
Michelle J. Dorman

LEASON ELLIS LLP  
One Barker Avenue, Fifth Floor  
White Plains, New York 10601  
Tel.: (914) 821-9073

Attorneys for Opposer

**CERTIFICATE OF SERVICE**

It is hereby certified that a true and correct copy of the foregoing **NOTICE OF OPPOSITION** was served by First-Class mail, postage prepaid, upon the attorney of record for Applicant, this 22nd day of August, 2012, addressed as follows:

Barry W. Suffrin, Esq.  
Drinker Biddle & Reath LLP  
191 North Wacker Drive, Suite 3700  
Chicago, Illinois 60606

  
Michelle J. Dorman